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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,388

12/13/2005

Lionel Giacomuzzi

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EXAMINER

STRIEB, MICHAEL A

ART UNIT

PAPER NUMBER

2809

MAIL DATE

DELIVERY MODE

09/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

914

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/560,388		GIACOMUZZI, LIONEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael A. Strieb		2809	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/13/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 63, 70, 73, 71. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 23, 26. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: paragraphs 47 and 52 refer to element (41) as, respectively, "a support stage" and "the articulation". Figure 3 seems to indicate that the latter designation is the correct one. Additionally, paragraph refers to element (41) as corresponding to element (11). Each element should have one and only one identifying number associated with it.

Appropriate correction is required.

4. The use of the trademark "RISLAN™" has been noted in this application. Trademarks should be identified by capitalizing each letter of the mark and through the use of the trademark symbol, and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

5. Claims 6-10 are objected to under 37 CFR 1.75(c) as being in improper form

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because a multiple dependent claim should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).

In order that the examiner may make as expedient a prosecution as possible, it is assumed that claims 6-8 and 10 are dependent on claim 1 and that claim 9 is then properly dependent on claim 8.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding claim 2, the phrases "can be fixed" and "like a wall" render the claim indefinite because the claim includes elements not actually disclosed, thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5, 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer et al (GB 1240837) in view of Oglesbee (US 5,235,368) and in further view of Wilfert (US 4,687,526).

Regarding **claim 1**, Plummer et al disclose a photograph taking device, comprising photograph taking apparatus (34), (page 3, line 4), an articulated arm means comprising a first end to be fixed to a stable support and a second free end (23), (10), (18), (page 1, lines 36-44); wherein said photograph taking apparatus is fixed to said articulated arm means at said second end of said articulated arm (22), (38), (36)(page 1, lines 42-44); said second end of said articulated arm means being extensible in a photograph taking position and retractable in a photograph taking waiting position (page 2, lines 65-74); and a mounting means provided for mounting said photograph taking apparatus on said articulated arm means (22), (38), (36).

Plummer et al do not disclose a background screen fixed to said articulated arm means.

Oglesbee discloses a background screen fixed to an articulated arm (column 11, lines 67-68; column 2, lines 1-8).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Oglesbee with Plummer et al. The motivation for doing so would have been to reduce the need for additional support structures bearing the background, thereby reducing cost of the apparatus and the space it takes up.

Plummer et al in view of Oglesbee do not disclose a memory means for saving in memory, in a filing form, the beforehand taken photographs.

Wilfert discloses a memory means for saving in memory, in filing form, the beforehand taken photographs (column 2, lines 67-68; column 3, lines 1-2).

At the time of the invention, it would have been obvious to combine Wilfert with Plummer et al in combination with Oglesbee because the technique for improving the particular class of devices of cameras by adding a memory saving means was part of the ordinary capabilities of a person of ordinary skill in the art.

Therefore, it would have been obvious to combine Wilfert and Oglesbee with Plummer et al to obtain the invention as disclosed in claim 1.

Regarding **claim 2**, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 1 above. Plummer et al further disclose the first end is fixed to a stable vertical partition (page 2, lines 25-39).

Regarding **claim 3**, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 1 above. Plummer et al further disclose said mounting means comprises a support stage (22) comprising, mounted on said support stage, said photograph taking apparatus (4) and a freely rotatable linkage (36) permanently fixed to said articulated arm means (20).

Regarding **claim 4**, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 3 above. Plummer et al further disclose said support stage further comprises a fixing means for fixing said photograph taking apparatus to said support stage (38).

Regarding **claim 5**, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to any of the preceding claims above. Further, Wilfert discloses a printing machine for printing photographs taken by said photograph taking apparatus (column 2, lines 56-61).

At the time of the invention , it would have been obvious to a person having ordinary skill in the art to combine Wilfert with Plummer et al and Oglesbee. The motivation for doing so would be to allow immediate inspection of the resulting photograph.

Regarding **claim 7**, in order to present a complete examination, the examiner assumes that claim 7 is dependent on claim 1. As such, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 1 above.

Further, Plummer et al disclose an articulation means permitting a switching of the assembly constituted by said articulated arm and said photograph taking apparatus to an other side relative to said support stage, whereby the user can thus selectively maneuver the articulated arm to take a photograph with said photograph taking apparatus located on the left or right side of the articulated arm (page 2, lines 44-47).

Regarding **claim 8**, in order to present a complete examination, the examiner assumes that claim 8 is dependent on claim 1. As such, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 1 above.

Further, Plummer et al disclose an articulation means permitting a switching of said screen to an other side relative to said support stage, whereby the user can thus selectively maneuver the screen to take a photograph with said photograph taking apparatus located on the left or right side of the articulated arm (page 2, lines 44-47).

Regarding **claim 10**, in order to present a complete examination, the examiner assumes that claim 10 is dependent on claim 1. As such, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 1 above.



Further, Plummer et al disclose a lighting of flash mounted in a fixed manner on said articulated arm (page 3, lines 32-37).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer et al (GB 1240837) in view of Oglesbee (US 5,235,368), in further view of Wilfert (US 4,687,526), and in further view of Imbrie et al (US 2002/0169002 A1).

Regarding **claim 6**, in order to present a complete examination, the examiner assumes that claim 6 is dependent on claim 5. As such, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 5 above.

Plummer et al in combination with Wilfert and Oglesbee do not disclose a wireless connection to establish a communication link between said photograph taking apparatus and said printing machine and/or said memory means.

Imbrie et al disclose a wireless connection to establish a communication link between said photograph taking apparatus and said printing machine and/or said memory means.

At the time of the invention, it would have been obvious to combine Imbrie et al with Plummer et al, Wilfert, and Oglesbee because the technique for improving that class of devices of cameras by including a wireless communication link to a printer or memory means was part of the ordinary capabilities of a person having ordinary skill in the art.

Therefore, it would have been obvious to combine Imbrie et al with Plummer et al, Wilfert, and Oglesbee to obtain the invention as disclosed in claim 6.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer et al (GB 1240837) in view of Oglesbee (US 5,235,368), in further view of Wilfert (US 4,687,526), and in further view of Saar (US 5,799,213).

Regarding **claim 9**, in order to present a complete examination, the examiner assumes that claim 8 is dependent on claim 1. As such, Plummer et al in combination with Wilfert and Oglesbee disclose the invention as applied to claim 8 above.

Plummer et al in combination with Oglesbee and Wilfert do not disclose the screen having two opposed faces having different visual aspects, whereby the user can maneuver the screen to reverse it so that a background of the photograph is visually different according to the selected face of the screen.

Saar discloses the screen having two opposed faces having different visual aspects, whereby the user can maneuver the screen to reverse it so that a background of the photograph is visually different according to the selected face of the screen.

At the time of the invention, it would have been obvious to combine Saar with Plummer et al, Oglesbee, and Wilfert. The motivation for doing so would have been to provide a greater variety of backdrop choices while simultaneously reducing the cost in material of providing extra sheets.

Therefore, it would have been obvious to combine Saar with Plummer et al, Oglesbee, and Wilfert to obtain the invention as disclosed in claim 9.

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***Conclusion***

12. Any response to this office action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Hand - delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Strieb whose telephone number is 571-270-3528. The examiner can normally be reached on Monday-Friday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

  
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SPE/TRAINER